

**TOWN COUNCIL  
REGULAR MEETING  
OCTOBER 2, 1997  
7:00 P.M.**

**1. PLEDGE OF ALLEGIANCE**

The meeting was called to order at 7:04 p.m. by Mayor Venis and was followed by the Pledge of Allegiance.

**2. ROLL CALL**

Present were Mayor Venis, Vice-Mayor Santini and Councilmembers Bush, Cox and Kiar. Also present were Town Administrator Flatley, Town Attorney Webber, and Town Clerk Reinfeld recording the meeting.

**3. OPEN PUBLIC MEETING**

Mayor Venis advised the speakers of the Open Public Meeting procedures.

Dan Barr, 11550 SW 37 Court, stated that Council was going ahead with plans and programs that were in conflict with the lifestyles that the residents had come to enjoy. He indicated that the concerns of the residents were being met by unsuitable answers. Mr. Barr recommended that Council monitor the Open Space Advisory Committee and its decisions. He added that he trusted that Council would be sensitive to the on-going development proposed for the Robbins property and the impact on the surrounding homes.

John Pisula, 2933 SW 136 Avenue, advised that the City of Pembroke Pines had developed a scholarship program with Broward Community College and over \$70,000 was raised at a recent fundraiser. He suggested that the Town research methods that could be used for Town residents who were graduating from Western High School.

Mr. Pisula thanked the Town's Fire Department for its efforts on a fire at his house, in particular, Lieutenant Barrineau. He also thanked his neighbors for housing his family. Mr. Pisula stated that he was glad that the Fire Union contract was on the agenda and that the Town had gone to a single tier.

Mr. Pisula discussed a temporary traffic light to be used during the peak hour at Shotgun Road and SW 14th Street. Mayor Venis advised that the Town had requested a traffic study several times at this intersection and Broward County had responded that there was not a need for a traffic light.

Lucia Stan, 11600 SW 37 Court, indicated that the activities and proposed plans for the Robbins property were not acceptable to the surrounding homeowners. She discussed her concerns with security, destruction of the ridge, pollution and noise.

Judy Paul, 14421 SW 24 Street, introduced students from the Public Affairs Program who were doing research on Town issues. She stated that the road south of 136th Avenue and 14th Street needed to be maintained. Ms. Paul asked that Mr. Webber and Mr. Flatley provide a status of the issues from the previous Charter workshops that were not able to be on the last ballot. Mr. Webber indicated that he would meet with Ms. Paul.

Daniel Downy, 11720 SW 37 Court, distributed and discussed an article from 1976 regarding his residential area. He indicated that he intended to support anyone who "interfered with these people" to replace Council.

**4. PRESENTATIONS**

**4.1 Jeffrey and Christopher Courtney**

Vice-Mayor Santini explained that Messrs. Courtney were the disc jockeys at the Labor Day events for over three hours and indicated that the time was donated. She presented a plaque in appreciation. Messrs. Courtney thanked Bonnie Stafiej, Special Projects Coordinator, for her help and looked forward to performing at the Halloween Bash.

**4.2 Davie/Cooper City Chamber of Commerce**

Chuck Lennon, Executive Director, advised of the events that the Chamber was planning. He stated that the Chamber held a golf fundraiser and presented Mayor Venis with a trophy for having the straightest drive.

**4.3 Upcoming Special Events - Sharon Pierce-Kent and Bonnie Stafiej**

Sharon Pierce-Kent, Community Services Director, announced upcoming events: roller hockey registration (beginning October 6th); Davie Bronco football games (Saturday evenings); and the Junior Orange Bowl Pageant (October 3rd).

Ms. Stafiej advised that upcoming events included: Bullriding (October 6th); Team Penning and Sorting and Tack Auction (October 18th - 19th); 5 Star Rodeo (September 24th - 25th); Safe Halloween Trick or Treat Night (October 25th); and a Concert in the Park (October 19th).

## **5. OCCUPATIONAL LICENSES**

### *Home Occupational Licenses*

5.1 Stagg's Country Lawn Care, 5550 SW 73 Avenue

Daniel Stagg, the applicant, was present. He confirmed that the request was for mail and phone use only.

Vice-Mayor Santini made a motion, seconded by Councilmember Kiar, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Santini - yes; Councilmember Bush - yes; Councilmember Cox - yes; Councilmember Kiar - yes. (Motion carried 5-0)

Mayor Venis indicated that item 8.6 was being withdrawn.

Mayor Venis announced that items 9.1 and 10.1 needed to be tabled to October 15, 1997.

Councilmember Kiar made a motion, seconded by Councilmember Bush, to table. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Santini - yes; Councilmember Bush - yes; Councilmember Cox - yes; Councilmember Kiar - yes. (Motion carried 5-0)

Mayor Venis indicated items 10.4 and 11.1 needed to be tabled to November 5, 1997.

Councilmember Cox made a motion, seconded by Councilmember Kiar, to table. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Santini - yes; Councilmember Bush - yes; Councilmember Cox - yes; Councilmember Kiar - yes. (Motion carried 5-0)

## **6. MAYOR/COUNCILMEMBER COMMENTS**

### **COUNCILMEMBER BUSH**

**AQUACULTURE FACILITY.** Councilmember Bush advised that a fish cookout was recently held using the first harvest of fish from the Aquaculture Facility.

**BIRTHDAY.** Councilmember Bush advised that Mr. Flatley recently had a birthday.

### **VICE-MAYOR SANTINI**

**THANKS.** Vice-Mayor Santini thanked Assistant Town Administrator Robert Rawls for his efforts on the sidewalk on Hiatus Road.

**COUNCIL DECISIONS.** Vice-Mayor Santini stated that when Council made decisions, it did it for the benefit of all the Town's residents. She advised that the Robbins property was for all the residents to share.

**CONGRATULATIONS.** Vice-Mayor Santini advised that the firefighter's contract was on the agenda and congratulated both sides for their efforts.

**HAPPY NEW YEAR.** Vice-Mayor Santini extended a happy New Year for the Jewish residents.

**ANNEXATION.** Vice-Mayor Santini stated that she and Mr. Flatley had been meeting with the residents in Rexmere Village on annexing into the Town. She added that a local bill had been prepared to annex this area into the Town.

**DONATION.** Vice-Mayor Santini advised that Signature Grand had pulled a permit for a roof-top sign and added that Signature Grand had volunteered to donate \$8,000 annually to the Town for charities.

### **COUNCILMEMBER COX**

**CONDOLENCES.** Councilmember Cox extended her condolences in the passing of Mason Wachtstetter.

**SPEED BUMPS.** Councilmember Cox stated that the speed humps had been installed on 30th Street and 70th Avenue.

**CONGRATULATIONS.** Councilmember Cox congratulated Vice-Mayor Santini and Mr. Rawls for their work on the bike path on Hiatus Road.

**CONFERENCE.** Councilmember Cox stated that she attended the Florida State Greenways Conference in Orlando and discussed the conference.

**ROBBINS PROPERTY.** Councilmember Cox discussed the speaker's comments during the Open Public

Meeting regarding the Robbins property.

### **COUNCILMEMBER KIAR**

**CONDOLENCES.** Councilmember Kiar extended his condolences in the passing of Mason Wachtstetter.

**HAPPY NEW YEAR.** Councilmember Kiar extended a happy New Year for the Jewish residents.

**FLORIDA MARLINS.** Councilmember Kiar congratulated the Marlins baseball team for winning two games up to this point in the Division series.

**CARNIVAL.** Councilmember Kiar stated that St. David's country carnival was being held at the end of October.

**SPEEDING.** Councilmember Kiar asked for an update on the speeders in the Hawkes Bluff area. Mr. Flatley indicated that an electronic speed sign had been placed in the area to show speeders how fast they were going.

**MOVIECO PROJECT.** Councilmember Kiar asked for an update on the MovieCo project. Mr. Flatley responded that nothing had been heard from the project's officials.

**HUNT RIDGE AREA.** Councilmember Kiar thanked Mr. Flatley for the follow-up on the two vacant lots in Hunt Ridge. He stated that the residents could not reach the developer and two days after speaking with Mr. Flatley, the area had been taken care of. Mr. Flatley indicated that this area would be maintained every seven to ten days.

**GATE.** Councilmember Kiar asked for an update on the gates in the Hawkes Bluff area with Mr. Flatley responded that the residents were conducting a survey and if 80% of the residents were in favor of the gates, a special assessment program would be initiated.

**PROCLAMATION.** Councilmember Kiar indicated that on tonight's agenda, there was a proclamation regarding domestic violence which he read. Mayor Venis presented the proclamation to Faye Johnson, representing the Family Violence Program at Nova University. Ms. Johnson advised that the Town currently had a Domestic Abuse Team and explained that the Town's Police Officers had been trained in domestic abuse intervention. She hoped to continue the collaboration with the Town.

### **MAYOR VENIS**

**CONDOLENCES.** Mayor Venis extended his condolences to the Wachtstetter family in the passing of Mason Wachtstetter.

**CONGRATULATIONS.** Mayor Venis congratulated Lil and George Olfert for celebrating their 50th wedding anniversary. He congratulated the Town's Fire Department for its 25th anniversary.

**PROCLAMATION.** Mayor Venis stated that he had received a proclamation from the Broward County School Board proclaiming of October 13th - 17th as National School Lunch Week. He indicated that this proclamation would be included on the next agenda.

**TRAFFIC PROBLEM.** Mayor Venis stated that he had been working with the Police Department and several residents on the traffic problem at 136th Avenue and 14th Street. He advised that the Police Department's Traffic Division, the Broward County School Board and Broward County Engineering was studying the situation. Mayor Venis asked Mr. Rawls to coordinate his efforts with the different agencies to find a solution to the situation.

**ORANGE PARK MEETING.** Mayor Venis advised that he had attended a Orange Park Homeowner's Association meeting and the resident's issues had been resolved.

**"NO STOPPING" SIGNS.** Mayor Venis stated that the Town had requested "no stopping" signs on SW 39th Street across from the Davie Elementary School had been approved.

**SHENANDOAH AREA ISSUES.** Mayor Venis stated that he and Mr. Rawls had met with the Shenandoah Homeowner's Association president and one issue regarded the second phase of the Shenandoah Park. He advised that Council would be acting on this matter at the October 15th Council meeting. Mayor Venis asked that the electronic speed sign be set up on Shenandoah Parkway.

**TRAFFIC ISSUES.** Mayor Venis stated that he and Mr. Rawls visited the Lauderdale-Miami Auto Auction to discuss concerns with traffic issues. He indicated that the business had close to 400 employees and the business would be expanding.

**SEATBELTS.** Mayor Venis stated that effective October 1st, all passengers 16 and under must wear seatbelts in the back seat of vehicles.

## **7. TOWN ADMINISTRATOR'S REPORT**

**CONSTRUCTION.** Mr. Flatley advised that from October 1997 to March 1998, there would be construction at 30th Street and University to alleviate the traffic back-up.

**COMMUNITY REDEVELOPMENT AGENCY.** Mr. Flatley stated he had asked Neal Kalis, Community Redevelopment Agency Chair, to make a presentation to Council as matters were being brought before the Broward County Commission. Mr. Kalis stated that the shared vision for the downtown was to transform the area into a pedestrian friendly downtown. He discussed the accomplishments over the past year. Mr. Kalis indicated that a decision needed to be made as to where the trees and lightpoles were to be located and the Agency's goal was to narrow the trafficway space by locating the visual part of the project as close the curb as possible. He indicated that the Agency had voted to endorse placing the trees and lightpoles at "the four foot distance from the curb or three feet which was better". Mr. Kalis explained the reasoning and distributed a letter from Dover Kohl and Partners regarding the placement. Rich Cabrera from Carr Smith and Sam Engel discussed the placement.

Councilmember Bush asked what the timeframe was for this project. Mr. Kalis indicated that the design phase would probably take 90 days to complete.

Mr. Flatley stated that the County may say that it would assume the liability for four feet, however, the Town would have to assume the liability for three feet. He added that the Town should "push" for the County to assume the liability.

## **8. CONSENT AGENDA**

### ***Proclamations***

8.1 National Physician Assistant Day - October 6, 1997

8.2 Fire Prevention Week - October 5-11, 1997

8.3 Domestic Violence Awareness Month - October 1997

### ***Resolutions***

**8.4 LEASE AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-97-320 AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO A BERGERON RODEO GROUNDS LEASE AGREEMENT BETWEEN CIRCLE W EQUINE AND THE TOWN OF DAVIE. (Team Penning, Sorting and Tack Show; October 18-19, 1997; rental fee - \$1,000)**

**8.5 AMENDMENT TO LEASE AGREEMENT - A RESOLUTION OF THE TOWN OF R-97-321 DAVIE, FLORIDA, APPROVING THE AMENDMENT TO LEASE AGREEMENT BETWEEN THE TOWN OF DAVIE AND THE JEWISH COMMUNITY CENTERS OF SOUTH BROWARD, INC.; AND PROVIDING AN EFFECTIVE DATE. (Physical Training Program)**

**8.6 AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE ADDENDUM TO THE DOMESTIC INTERDICTION UNIT AGREEMENT BETWEEN RON COCHRAN, SHERIFF OF BROWARD COUNTY, CITY OF HOLLYWOOD, CITY OF POMPANO BEACH, CITY OF FORT LAUDERDALE, CITY OF CORAL SPRINGS, TOWN OF DAVIE AND THE UNITED STATES BORDER PATROL; AND PROVIDING AN EFFECTIVE DATE.**

**8.7 PRE-SCHOOL - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-97-322 AUTHORIZING THE TOWN OF DAVIE TO APPROVE A CONTRACT WITH DINA P. AYERS FOR PRE-SCHOOL. (October 1, 1997 - June 26, 1998; instructor to be compensated 75% of the class fee, fee not to exceed \$40,000)**

**8.8 PIANO AND KEYBOARD LESSONS - A RESOLUTION OF THE TOWN OF R-97-323 DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO APPROVE A CONTRACT WITH LAURA SCHUNK FOR PIANO AND KEYBOARD LESSONS. (October 1, 1997 - May 31, 1998; instructor to be compensated 75% of the class fee, fee not to exceed \$25,000)**

**8.9 KARATE CLASSES - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-97-324 AUTHORIZING THE TOWN OF DAVIE TO APPROVE A CONTRACT WITH JOE**

KELLJCHIAN FOR KARATE CLASSES. (October 2, 1997 - June 30, 1998; instructor to be compensated 75% of the class fee, fee not to exceed \$20,000)

**8.10 SCRIVENERS ERROR** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-97-325 CORRECTING A SCRIVENERS ERROR IN RESOLUTION R-97-74 WHICH ADOPTED THE FEE SCHEDULE FOR A PUBLIC SAFETY IMPACT FEE; AND PROVIDING AN EFFECTIVE DATE.

**8.11 CONTRACT EXTENSION** - A RESOLUTION OF THE TOWN OF DAVIE, R-97-326 FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT EXTENSION WITH MOTOROLA, INC. FOR MAINTENANCE OF PUBLIC SAFETY RADIOS. (\$720.10 for police equipment and \$165.91 for fire equipment per month)

**8.12 MITIGATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-97-327 APPROVING THE SPECIAL MASTER'S RECOMMENDATION FOR MITIGATION OF THE CODE ENFORCEMENT FINE IN CASE NO. 95-359 FROM \$13,150 IN AMOUNT TO \$850; AND PROVIDING AN EFFECTIVE DATE. (Kerry John Soave and Sean Wolfer d/b/a Wolfer Landscape Services, Inc.)

**8.13 MITIGATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-97-328 APPROVING THE SPECIAL MASTER'S RECOMMENDATION FOR MITIGATION OF THE CODE ENFORCEMENT FINE IN CASE NO. 97-038 FROM \$10,800 IN AMOUNT TO \$1,000; AND PROVIDING AN EFFECTIVE DATE. (Sterling Road Amoco)

**8.14 CARRYFORWARD FUNDS** - A RESOLUTION OF THE TOWN OF DAVIE, R-97-329 FLORIDA, RATIFYING THE COMMUNITY REDEVELOPMENT AGENCY'S PRIOR YEAR CARRYFORWARD FUNDS AND PLACING SUCH FUNDS INTO THE FY 1997-98 COMMUNITY REDEVELOPMENT AGENCY'S BUDGET.

**8.15 CONTINGENCY EXPENDITURE** - A RESOLUTION OF THE TOWN OF DAVIE, R-97-330 FLORIDA, AUTHORIZING THE EXPENDITURE OF CONTINGENCY FUNDS IN THE AMOUNT OF \$5,500.00 TO PAY THE LEGAL FEES OF WEISS, SEROTA, AND HELFMAN, P.A., ATTORNEYS-AT-LAW, FOR INITIAL WORK RELATED TO SOUTH BROWARD UTILITIES.

**8.16 SUBDIVISION PLAT REVISION** - A RESOLUTION OF THE TOWN OF DAVIE, R-97-331 FLORIDA, AUTHORIZING A REVISION TO THE REGENCY PLAT AND PROVIDING AN EFFECTIVE DATE. (DG 9-2-97, Regency Plat, southwest corner of Griffin Road and SW 148 Avenue)

**8.17 SUBDIVISION PLAT REVISION** - A RESOLUTION OF THE TOWN OF DAVIE, R-97-332 FLORIDA, AUTHORIZING A REVISION TO THE PLAT KNOWN AS CALUSA RIDGE AND PROVIDING FOR AN EFFECTIVE DATE. (DG 9-5-97, southeast corner of State Road 84 and Nob Hill Road)

**8.18 RESERVING RIGHTS-OF-WAY FOR GROUND UTILITIES** - A RESOLUTION OF R-97-333 THE TOWN OF DAVIE, FLORIDA, RESERVING THE WESTERLY TWELVE FEET OF RIGHT OF WAY ALONG S.W. 63RD AVENUE BETWEEN ORANGE DRIVE AND S.W. 42ND STREET (COURT) FOR UTILITY USE.

**8.19 PAY ADJUSTMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-97-334 APPROVING A COST OF LIVING ADJUSTMENT FOR NON-REPRESENTED EMPLOYEES AND A PAY ADJUSTMENT FOR NON-CLASSIFIED EMPLOYEES. (3.1%; To be effective the first full pay period in October 1997)

**8.20 APPLICATION FOR FUNDING** - A RESOLUTION OF THE TOWN OF DAVIE,

R-97-335 FLORIDA, AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR, AND APPROPRIATE STAFF TO SUBMIT AN APPLICATION FOR FUNDING FOR THE 1998/99 CULTURAL CONNECTIONS-YOUNG AT ART PROGRAM ADMINISTERED BY THE BROWARD CULTURAL AFFAIRS COUNCIL, COMMUNITY ARTS & EDUCATION PROGRAM IN THE AMOUNT OF \$20,000.00.

**8.21 PUBLIC UTILITY EASEMENTS** - A RESOLUTION OF THE TOWN OF DAVIE, R-97-336 FLORIDA, ACCEPTING EASEMENTS FROM THOMAS RAFAEL FOR USE AS PUBLIC UTILITY EASEMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.

**8.22 COLLECTIVE BARGAINING AGREEMENT** - A RESOLUTION OF THE TOWN R-97-337 OF DAVIE, FLORIDA, RATIFYING THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE TOWN OF DAVIE AND THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS.

**8.23 REVISING CLASS SPECIFICATIONS** - A RESOLUTION OF THE TOWN OF R-97-338 DAVIE, FLORIDA, REVISING THE CLASS SPECIFICATIONS FOR DRIVER ENGINEER AND FIRE LIEUTENANT IN THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS CLASSIFICATION PLAN TO BE IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT.

*Ordinances - First Reading (public hearing to be held on October 15, 1997)*

**8.24 CODE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CORRECTING ORDINANCE NO. 97-37 CONCERNING ARTICLE VIII OF THE TOWN CODE ENTITLED "SIGNS, LIGHTING"; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

**8.25 ORDINANCE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING ORDINANCE NO. 87-70 AS AMENDED BY ORDINANCE NO. 86-17 BY AMENDING SECTION 2 (d) OF ORDINANCE NO. 87-70 CORRECTING AND CLARIFYING ALLOWABLE USES ON THE ENTRANCE TRACT FOR THE FOREST RIDGE DEVELOPMENT PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

**8.26 ORDINANCE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING ORDINANCE NO. 97-049 WHICH WAS AN ORDINANCE VACATING PROPERTY WITHIN THE WEST PARK - HOTEL PARCEL PLAT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

**8.27 SEWER PRETREATMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CREATING UNIFORM REQUIREMENTS FOR USERS OF THE PUBLICLY OWNED TREATMENT WORKS SO AS TO COMPLY WITH ALL APPLICABLE STATE AND FEDERAL LAWS; PROVIDING FOR GENERAL PROVISIONS, GENERAL SEWER USE REQUIREMENTS, PRETREATMENT OF WASTEWATER, WASTEWATER DISCHARGE PERMIT APPLICATION, WASTEWATER DISCHARGE PERMIT ISSUANCE PROCESS, REPORT REQUIREMENTS, COMPLIANCE MONITORING, CONFIDENTIAL INFORMATION, PUBLICATION OF USERS AND SIGNIFICANT NON-COMPLIANCE, ADMINISTRATIVE ENFORCEMENT REMEDIES, JUDICIAL ENFORCEMENT REMEDIES, SUPPLEMENTAL ENFORCEMENT ACTION, AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS, WASTEWATER TREATMENT RATES, MISCELLANEOUS PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Kiar asked that item 8.19 be removed from the Consent Agenda. Councilmember Cox asked that item 8.15 be removed.

Town Clerk Reinfeld read the ordinances-first reading by title only. Mayor Venis advised that a public hearing on items 8.24 through 8.27 would be held on October 15, 1997.

An unidentified man asked that item 8.16 be removed to provide an amended planning report.

Councilmember Kiar made a motion, seconded by Councilmember Cox, to approve the Consent Agenda without items 8.15, 8.16 and 8.19. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Santini - yes; Councilmember Bush - yes; Councilmember Cox - yes; Councilmember Kiar - yes. (Motion carried 5-0)

8.15 Councilmember Cox questioned the amount of the bill and indicated that she wanted proper control procedure on this project. Discussion followed with Mr. Webber indicating that he would monitor the statements. Vice-Mayor Santini made a motion, seconded by Councilmember Bush, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Santini - yes; Councilmember Bush - yes; Councilmember Cox - yes; Councilmember Kiar - yes. (Motion carried 5-0)

8.16 Michele Mellgren, Director of Development Services, indicated that the planning report needed to be amended to change the 120 days to 180 days and to allow turning lanes to be built on SW 148th Avenue or a right in and right out on Griffin Road with the County's approval.

Councilmember Kiar made a motion, seconded by Councilmember Cox, to approve as amended. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Santini - yes; Councilmember Bush - yes; Councilmember Cox - yes; Councilmember Kiar - yes. (Motion carried 5-0)

8.19 Councilmember Kiar advised that he needed to abstain from voting as his daughter was affected by the resolution.

Councilmember Cox made a motion, seconded by Vice-Mayor Santini, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Santini - yes; Councilmember Bush - yes; Councilmember Cox - yes; Councilmember Kiar - abstained. (Motion carried 4-0)

## **9. SITE PLANS**

9.1 SP 8-9-97, Forest Ridge Single Family VII, 3000 Ridge Trace (PRD 3.6 & E) (tabled from September 17, 1997) *Planning and Zoning Division recommended approval of the proposed landscape entry feature and denial of the proposed "false" guardhouse within the public right-of-way; Site Plan Committee recommended approval of the landscaping subject to providing fifteen caliper inches of Town approved trees south of the lake on parcel C and ensuring that the two oak trees on the northwest side of the entry wall be maintained properly giving consideration to equestrian traffic in that area; recommendation to approve "false" guardhouse failed due to a tie vote*

This item was tabled earlier in the meeting.

## **10. PUBLIC HEARINGS**

Mayor Venis opened the public hearing portion of the meeting.

### ***Ordinances - Second and Final Reading***

10.1 STAFF REQUESTING A TABLING TO OCTOBER 15, 1997

REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM AG TO CF; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 6-2-97, Moses/Stevani, Inc., corner of Flamingo Road and SW 26 Street) (tabled from September 3, 1997)

This item was tabled earlier in the meeting.

10.2 **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, 97-56 CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM AG TO BP; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 5-1-97, MAHB Properties, Inc./Equitable Life Assurance Society of the United States, southeast corner of Weston Road at SW 36 Street) Town Clerk Reinfeld read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public hearing

was closed.

Councilmember Cox made a motion, seconded by Councilmember Kiar, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Santini - yes; Councilmember Bush - yes; Councilmember Cox - yes; Councilmember Kiar - yes. (Motion carried 5-0)

**10.3 VACATION/ABANDONMENT - AN ORDINANCE OF THE TOWN OF DAVIE, 97-57 FLORIDA, VACATING A PORTION OF UTILITY EASEMENT LOCATED WITHIN THE FOREST RIDGE CLUSTER HOMES I PLAT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (VA 7-1-97, Forest Ridge Community Development Ltd., 2966 Myrtle Oak Circle)**  
Town Clerk Reinfeld read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public hearing was closed.

Councilmember Cox made a motion, seconded by Councilmember Kiar, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Santini - yes; Councilmember Bush - yes; Councilmember Cox - yes; Councilmember Kiar - yes. (Motion carried 5-0)

#### *Quasi Judicial Items*

**10.4 REZONING - ZB 5-3-97, CDI Engineering & Planning/Sublime Inc., 5900 SW 70 Avenue (from R-2 to B-1) (tabled from July 16, 1997)** *Planning and Zoning Division approved subject to the planning report; Planning and Zoning Board approved subject to the planning report*

This item was tabled earlier in the meeting.

**10.5 REZONING - ZB 6-2-97, Moses/Stevani, Inc., corner of Flamingo Road and SW 26 Street (from AG to CF) (tabled from September 17, 1997)** *Planning and Zoning Division approved subject to the execution of the voluntary deed restrictions; Planning and Zoning Board approved subject to the planning report, the additional voluntary deed restrictions, submittal of a traffic study prior to the Town Council meeting, and restricting the size of the building to 15,000 square feet*

Mr. Webber advised that the quasi judicial hearing had been concluded on September 17, 1997; however, the petitioner had been asked to return for the purposes of a traffic study.

Ms. Mellgren advised that the first draft of the traffic analysis had been submitted and reviewed by Mr. Rawls whose concerns had been returned to the petitioner. She indicated that at this time, the Engineering Department found that an adequate of service would be maintained with the facility in place. Ms. Mellgren stated that should Council vote in favor of the rezoning, staff recommended that the motion be subject to Mr. Moses' deed restriction that the facility be no more than 25,000 square feet and a left turn lane be constructed at the frontage road on SW 26th Street which Mr. Moses had agreed to. Mayor Venis indicated that he thought Council had agreed to the facility being 15,000 square feet. Councilmember Cox stated that there were several options but she did not think one option was agreed to because of the traffic issue. Ms. Mellgren advised that the traffic analysis was based on 25,000 square feet.

Mr. Moses, representing the petitioner, stated that he had previously indicated that if Council was to limit the size of the building, he would ask that the southern 2.5 acres be rezoned to CF and the remaining 3 acres would remain AG. He added that the square footage had not been agreed to as the footage hinged upon the amount of traffic. Mr. Moses indicated he was willing to deed restrict the size of the facility not to exceed 25,000 square feet.

Mr. Rawls discussed the area and the traffic analysis with discussion following.

Mayor Venis asked how many children would be attending the facility. Mr. Moses responded that the preschool would be licensed for approximately 300 children using the 35 square feet calculation per child. Vice-Mayor Santini advised that if a 15,000 square foot facility, the applicant would be licensed for approximately 400 students and 700 students for a 25,000 square foot facility.

Vice-Mayor Santini questioned the Planning and Zoning Board's recommendation. Ms. Mellgren replied that Mr. Moses' initial request was for 15,000 square feet and at that time, the facility was only for daycare, not afterschool care.

Councilmember Cox indicated that her concern was with the corridor of Flamingo Road and the domino effect that this type of rezoning might have. She added that she had reservations on what the change in zoning would in terms of the effect on the surrounding properties.

Vice-Mayor Santini made a motion, seconded by Councilmember Bush, to approve based on the 15,000 square feet maximum, that the facility fit into a residential neighborhood and did not stand out like a big school, subject to the planning report and all the deed restrictions. Mr. Moses asked to return to his original discussion with Council to rezone approximately southern 2 1/2 acres and retain the AG zoning on the remaining 3 acres. He added that he would deed restrict the facility to 15,000 square feet on the 2 1/2 acres.

Vice-Mayor Santini amended her motion [to included Mr. Moses statement]. Councilmember Bush amended his second. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Santini - yes; Councilmember Bush - yes; Councilmember Cox - no; and Councilmember Kiar - no. (Motion carried 3-2)

## **11. ORDINANCES - FIRST READING** (Public Hearing to be held October 15, 1997)

**11.1 REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM R-2 TO B-1; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 5-3-97, Fee/Sublime, Inc., 5900 SW 70 Avenue) (tabled from September 17, 1997)

This item was tabled previously in the meeting.

**11.2 REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM AG TO CF; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 6-2-97, Moses/Stevani, Inc., corner of Flamingo Road and SW 26 Street) (tabled from September 17, 1997)

Town Clerk Reinfeld read the ordinance by title. Mayor Venis advised that a public hearing on item 11.2 would be held at the October 15, 1997 meeting.

Vice-Mayor Santini made a motion, seconded by Councilmember Bush, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Santini - yes; Councilmember Bush - yes; Councilmember Cox - no; Councilmember Kiar - yes. (Motion carried 4-1) (**The motion was reconsidered later in the meeting.**)

## **12. APPOINTMENT**

**12.1 Child Safety Board** (appointment by Councilmember Bush; term expires July 1998)  
Councilmember Bush appointed Jacqueline Tuchler.

Councilmember Kiar made a motion, seconded by Councilmember Bush, to reconsider the vote on item 11.2. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Santini - yes; Councilmember Bush - yes; Councilmember Cox - yes; Councilmember Kiar - yes. (Motion carried 5-0)

Vice-Mayor Santini made a motion, seconded by Councilmember Bush, to approve item 11.2. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Santini - yes; Councilmember Bush - yes; Councilmember Cox - no; Councilmember Kiar - no. (Motion carried 3-2)

## **13. DISCUSSION AND POSSIBLE ACTION**

### **13.1 Requests from Charitable Organizations**

After discussion ensued, donations requested were: 1) Women in Distress (\$2,000); 2) Area Agency on Aging (\$13,302); 3) EASE Foundation (\$10,000); 4) The Starting Place (\$7,500); 5) Family Central (\$8,000); 6) Brookwood (\$2,000); 7) Young At Art (\$10,000); 8) Gilda's Club (\$5,000); and 9) BCC Seahawk Program (\$16,000). Council decided to proportion the requests to equal the budgeted amount of \$68,500.

## **14. ADJOURNMENT**

There being no objections or further business, the meeting was adjourned at 9:42 p.m.



